



HISTORIC LANDMARKS COMMISSION

ACTION MINUTES

October 5, 2016

Regular Session

6:30 p.m.

Council Chambers

First Floor, City Hall Wing
200 East Santa Clara Street
San José, CA 95113

Commission Members

Edward Saum, Chair

Joshua Marcotte, Vice Chair

Melissa Daniels

Eric Hirst

Patricia Jones

Anthony Raynsford

Max Schultz

Harry Freitas, Director

Department of Planning, Building & Code Enforcement

Note

To request an accommodation for City-sponsored meetings or events or an alternative format for printed materials, please call Jennifer Provedor at 408-535-3505 or 408-294-9337 (TTY) as soon as possible, but at least three business days before any meeting or event. If you requested such an accommodation, please identify yourself to the technician seated at the staff table. If you did not call in advance and do now need assistance, please see the technician.

NOTICE TO THE PUBLIC

If you want to address the Commission, **fill out a speaker card (located at the technician's station), and give the completed card to the technician. Please include the agenda item number for reference.**

The procedure for public hearings is as follows:

- After the staff report, *applicants may make a five-minute presentation.*
- Anyone wishing to speak in favor of the proposal should prepare to come forward. After the proponents speak, anyone wishing to speak in opposition should prepare to come forward. *Each speaker will have two minutes.*
- Commissioners may ask questions of the speakers. These questions will not reduce the speaker's time allowance.
- The Commission will then close the public hearing.
- *The Historic Landmarks Commission will take action on the item.*

The procedure for referrals is as follows:

- Anyone wishing to speak on a referral should prepare to come forward. *Each speaker will have two minutes.*
- Commissioners may ask questions of the speakers. These questions will not reduce the speaker's time allowance.
- *The Historic Landmarks Commission will comment on the referral item.*

If a Commissioner would like a topic to be addressed under one of the Good and Welfare items, please contact Planning staff in advance of the Commission meeting.

An agenda and a copy of all staff reports have been placed on the table for your convenience. All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Planning, Building and Code Enforcement at San José City Hall, 200 E. Santa Clara Street, 3rd Floor Tower, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body.

AGENDA

ORDER OF BUSINESS

ROLL CALL

All Commissioners present

1. DEFERRALS

Any item scheduled for hearing this evening for which deferral is being requested will be taken out of order to be heard first on the matter of deferral. If you want to change any of the deferral dates recommended or speak to the question of deferring these or any other items, you should say so at this time.

No Items

2. CONSENT CALENDAR

The consent calendar items are considered to be routine and will be adopted by one motion. There will be no separate discussion of these items unless a request is made by a member of the Historic Landmarks Commission, staff or the public to have an item removed from the consent calendar and considered separately. If anyone in the audience wishes to speak on one of these items, please make your request at this time

No Items

3. PUBLIC HEARINGS

- a. **H16-024.** Site Development Permit to allow the demolition of Parkside Hall for the construction of a 24 story mixed-use development with 12,171 square feet of ground floor retail, 213,820 square feet of office, 60,000 square feet of museum space, 143 hotel rooms, and 334 residential units on an approximately 2.33 gross acre site, located on the northwest corner of West San Carlos Street and South Market Street (180 Park Avenue) (City of San Jose, Owner). Council District: 3. CEQA: Initial Study under review. *Deferred from 9/7/16. PROJECT MANAGER, LEA SIMVOULAKIS*

Recommendation: Provide comments on the proposed Site Development Permit focusing on the relationship of the project and the adjacent City Landmark.

Staff presented an overview of the project and informed the Commission that due to new information regarding property lines and the project boundary, the proposed metal trellis adjacent to McCabe Hall may be eliminated from the project. The applicant presented an overview of the architecture of the project. The Commission asked if the parcel containing the parking garage for the Hyatt Hotel and the parcel at the south east corner of Park Avenue and S. Almaden Boulevard are part of the project site. The applicant clarified they are not part of the project site. The Commission asked the applicant if the trellis has a function other than as a visual connection to the project from W. San Carlos Street and if a more historical design had been considered. The applicant responded that the trellis provides both a visual

connection and a function as a shade structure for seating and other active uses of the paseo, and that a more historical style had been evaluated but the modern style was preferred after evaluating the options.

The Commission discussed the project. Commissioner Raynsford moved to the following comments to the Director of Planning, Building and Code Enforcement: The inclusion of a trellis element in the paseo adjacent to the McCabe Hall is appropriate, but that it should be smaller both vertically and in plan and should be constructed in materials and colors in better keeping to the adjacent McCabe Hall. Commission Jones seconded the motion. The motion passed (7-0-0).

4. REFERRALS FROM CITY COUNCIL, BOARDS, COMMISSIONS, OR OTHER AGENCIES

No Items

5. OPEN FORUM

- a. Members of the public are invited to speak on any item that does not appear on today's Agenda and that is within the subject matter jurisdiction of the Commission. The Commission cannot engage in any substantive discussion or take any formal action in response to the public comment. The Commission can only ask questions or respond to statements to the extent necessary to determine whether to (1) refer the matter to staff for follow-up; (2) request staff to report back on a matter at a subsequent meeting; or (3) direct staff to place the item on a future agenda. Each member of the public may fill out a speaker's card and has up to two minutes to address the Commission.

Mr. Larry Ames informed the Commission that the County of Santa Clara is considering applying for National Heritage Area status through the National Parks Service under the theme of "Valley of Vision", and that the next meeting on the topic will take place on November 9th. Mr. Ames also informed the Commission that the Friends of Willow Glen Trestle is considering revising and resubmitting the National Register nomination of the Willow Glen Trestle and is considering submitting an application for listing the Trestle in the California Register of Historic Resources. The organization is appealing the latest decision on the lawsuit regarding the trestle to the California Supreme Court.

6. GOOD AND WELFARE

- a. Report from Secretary, Planning Commission, and City Council

1. Past Agenda Items

Historic Preservation Permit File No. HP16-003 was approved. On September 20th, the City Council approved the Planned Development Zoning and adopted the Environmental Impact Report for the Santana West project. The Council determined that the City should allow more flexibility in potential reuse alternatives for the Century 21 Theater and adopted an EIR and Planned Development Zoning development standards that do not require that the theater be rehabilitated in conformance with the Secretary of the Interior's Standards. The City Council's action requires that future reuse of the building that does not conform to the Standards be approved by the City Council.

2. Future Agenda Items

Staff expects to bring the Historic Preservation Permit for the Our Lady of La Vang church building, which is on the site of the St. Patrick School City Landmark; a Mills Act Contract for the City Landmark El Paseo Court building located in downtown on S. 1st Street; and the Gateway Tower project, which is the high rise tower at S. 1st, Market and William Streets on the site of the Herrold Lab City Landmark.

3. Summary of communications received by the Historic Landmarks Commission

None

b. Update on Levitt Pavilion and St. James Park Design Competition activities.

The City received the four finalist design proposals, which will be on display at the SPUR office located at 76 S. 1st Street. October 15th is Jury Day where the jury will deliberate and rank the designs. The top-ranked design the wins. The next steps are that the City will negotiate a contract with the top-ranked firm and bring that to the City Council at a later date for approval.

c. Report from Committees

1. Design Review Subcommittee (Saum and Jones)
Meets the 3rd Wednesday of the month as necessary

d. Approval of Action Minutes

1. **Recommendation:** Approval of Action Minutes for the Historic Landmarks Commission Meeting of [August 3, 2016](#)

Commissioner Schultz moved to approve the action minutes. Commissioner Raynsford seconded the motion. The motion passed (5-0-2, Hirst and Daniels abstained)

2. **Recommendation:** Approval of Action Minutes for the Historic Landmarks Commission Meeting of [September 7, 2016](#)

Commissioner Daniels moved to approve the action minutes. Commissioner Hirst seconded the motion. The motion passed (5-0-2, Jones and Schultz abstained)

- e. Status of Circulating Environmental Documents: Negative Declarations
<http://www.sanjoseca.gov/index.aspx?NID=2165> and Draft Environmental Impact Reports
<http://www.sanjoseca.gov/index.aspx?NID=2434>

An Initial Study and Draft Mitigated Negative Declaration for the Topgolf project in Alviso is circulating. The project consists of approximately 110,000 square feet of commercial/retail space, a 200 room hotel, approximately 72,000 square feet of indoor/outdoor recreation use. The project is approximately 400 feet from the Alviso National Register District at its closest boundary; therefore, the conclusion of the Initial Study is that no impacts to the District would result from the project. The documents include measures to mitigate potential impacts to archaeological resources that may occur as a result of the project.

ADJOURNMENT

CITY OF SAN JOSÉ CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS

The Code of Conduct is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, Redevelopment Agency Board, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

1. Public Meeting Decorum:

- a) Persons in the audience will refrain from behavior which will disrupt the public meeting. This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.
- b) Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.
- c) Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.
- d) Appropriate attire, including shoes and shirts are required in the Council Chambers and Committee Rooms at all times.
- e) Persons in the audience will not place their feet on the seats in front of them.
- f) No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and Committee Rooms, except as otherwise pre-approved by City staff.
- g) All persons entering the Council Chambers and Committee Rooms, including their bags, purses, briefcases and similar belongings, may be subject to search for weapons and other dangerous materials.

2. Signs, Objects or Symbolic Material:

- a) Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers and Committee Rooms, with the following restrictions:
 - No objects will be larger than 2 feet by 3 feet.
 - No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
 - The items cannot create a building maintenance problem or a fire or safety hazard.
- b) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.
- c) Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chambers and Committee Rooms if a threat exists or is perceived to exist. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.

CITY OF SAN JOSÉ CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS (CONT'D)

3. Addressing the Council, Redevelopment Agency Board, Committee, Board or Commission:
- a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
 - b) Meeting attendees are usually given two (2) minutes to speak on any agenda item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak.
 - c) Speakers should discuss topics related to City business on the agenda, unless they are speaking during open forum.
 - d) Speakers' comments should be addressed to the full body. Requests to engage the Mayor, Council Members, Board Members, Commissioners or Staff in conversation will not be honored. Abusive language is inappropriate.
 - e) Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.
 - f) If an individual wishes to submit written information, he or she may give it to the City Clerk or other administrative staff at the meeting.
 - g) Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

Failure to comply with this Code of Conduct which will disturb, disrupt or impede the orderly conduct of the meeting may result in removal from the meeting and/or possible arrest.